



**State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY
WET 2002-11**

April 16, 2002

Mr. Richard Faubert
4640 East Lavender Lane
Phoenix, AZ 85044

RE DES Wetlands File #2000-02344 4 Loch Eden Shores, Meredith

Dear Mr. Faubert:

On March 3, 2002, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Meredith Tax Map U30 as Lot 23 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A, RSA 483-B and NH Code of Admin. Rules Wt 100-700.

During the inspection and following file review the following deficiencies were documented

1. An additional retaining wall was constructed to the north of the piling pier situated landward of the permitted retaining wall.
2. The additional wall measures approximately 30 feet in length.
- 3 A set of steps, approximately 3 feet wide, is located in the retaining wall
4. DES has not received a copy of the recorded permit

In response, you are requested to take the following actions:

1. Within 30 days of receipt of this Letter of Deficiency, submit a restoration plan to DES for review and approval. Have the restoration plan prepared by a professional engineer or environmental consultant, and include provisions for removal of the landward retaining wall located to the south of the dock and revegetation of the area. Submit the following with the restoration plan:

- a. A plan with dimensions, drawn to scale, showing:
 1. Existing conditions, with lake elevation at normal high water as measured for Lake Winnepesaukee (504.32); and
 2. Proposed conditions after reestablishing the jurisdictional areas;

- b. A detailed description of the proposed means of erosion control (turbidity curtains, silt fence, hay bales, etc) and stabilization of the restoration area;
 - c. A detailed description of the proposed work sequence and successful monitoring for the restoration and revegetation of the shoreline area described above and control of invasive species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) and anticipated restoration compliance date.
- 2. Retain a qualified professional engineer or environmental consultant to supervise the implementation of the restoration plan and to submit the restoration progress report.
 - 3. Implement the restoration plan only after receiving written approval and as conditioned by DES.
 - 4. Submit a copy of the recorded permit to the DES Wetlands Bureau

RSA 483-B, the New Hampshire Comprehensive Shoreland Protection Act, was enacted to protect and preserve the shorelands of the State to maintain the integrity and exceptional quality of the State's public waters. RSA 483-B and Env-Ws 1400-1409 establish minimum standards for the future subdivision, use, and development of the shorelands within 250 feet of the state's public waters.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A and RSA 483-B will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows

Jeffrey Blecharczyk, Shoreline Investigator
Wetlands Bureau
Department of Environmental Services
6 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 271-2147.

Sincerely,

COPY

Mary Ann Tilton
Senior Enforcement Officer
Wetlands Bureau

CERTIFIED MAIL 7099 3400 0003 0689 0107

cc Rene Pelletier, Manager, Land Resources Management Program
Gretchen Rule, Administrator, DES Legal Unit
Meredith Conservation Commission
Meredith Board of Selectmen
David Killoy, USACOE
Docks Unlimited
File # 2000-2344